

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,

v.

Criminal Action No. 3:18cr135

CHRISTOPHER WILLS,
Petitioner.

MEMORANDUM OPINION

Christopher Wills, a federal inmate proceeding pro se, filed this 28 U.S.C. § 2255 Motion (“§ 2255 Motion,” ECF No. 130). Wills demanded relief upon the following grounds:¹

Claim One:	Wills was denied the effective assistance of counsel when counsel failed to file a motion to suppress. (ECF No. 130, at 4.)
Claim Two:	Wills’s conviction for possession of a firearm by a convicted felon must be vacated in light of <i>Rehaif v. United States</i> , 139 S. Ct. 2191 (2019). (<i>Id.</i> at 19.)
Claim Three:	Wills failed to receive effective assistance of counsel during the plea-bargaining process because counsel failed to pursue a conditional plea which would have allowed Wills to pursue and preserve the suppression issues raised in Claim One. (<i>Id.</i> at 20–21.)
Claim Four:	Wills failed to receive the effective assistance of counsel because (a) “counsel falsely informed [Wills] that no appeal could be taken,” (<i>id.</i> at 22); and (b) Wills instructed counsel to file an appeal and counsel refused, (<i>id.</i> ; ECF No. 146, at 1).

By Memorandum Opinion and Order entered on June 23, 2021, the Court dismissed Claims One, Two, Three, and Four (a). (ECF Nos. 148, 149.)

On June 23, 2022, the Court conducted an evidentiary hearing on Claim Four (b). For the reasons stated from the bench, Wills fails to demonstrate that he is entitled to relief on Claim Four

¹ The Court employs the pagination assigned by the CM/ECF docketing system. The Court corrects the capitalization, spelling, and punctuation in the quotations from the parties’ submissions.

(b). Accordingly, Claim Four (b) will be DISMISSED. The § 2255 Motion, (ECF No. 130), will be DENIED. The action will be DISMISSED. A certificate of appealability will be DENIED.²

An appropriate Final Order shall accompany this Memorandum Opinion.

Date: 27 June 2022
Richmond, Virginia

/s/
John A. Gibney, Jr.
Senior United States District Judge

² An appeal may not be taken from the final order in a § 2255 proceeding unless a judge issues a certificate of appealability (“COA”). 28 U.S.C. § 2253(c)(1)(B). A COA will not issue unless a prisoner makes “a substantial showing of the denial of a constitutional right.” *Id.* § 2253(c)(2). This requirement is satisfied only when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)). Wills fails to meet this standard.